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January 11, 2007

VIA HAND DELIVERY

Lawrence H. Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **Matter Under Review 5881 (Betty K. Wolfe)**

Dear Mr. Norton:

This response is filed on behalf of Betty K. Wolfe in the above-captioned matter.

In short, the Complaint asserts that Ms. Wolfe made excessive contributions to Club for Growth Inc. PAC ("Club PAC") in 2006, but the fact is that Ms. Wolfe did not make excessive contributions. The Complaint also asserts that Ms. Wolfe made contributions to Club PAC with the knowledge that such contributions would be used to support the campaign of Tim Walberg. This is untrue. The fact is that Ms. Wolfe had no knowledge of how Club PAC was going to use any contributions when she made her permissible contributions.

Because the allegations against Ms. Wolfe have no basis in either the facts or the law, the Federal Election Commission ("FEC" or "Commission") should find no reason to believe that Ms. Wolfe violated the Federal Election Campaign Act ("Act") and dismiss the Complaint against Ms. Wolfe.

THE COMPLAINT

The Complaint was filed by the campaign of Michigan candidate Joe Schwarz, Schwarz for Congress, on November 16, 2006. The Complaint makes two unsubstantiated charges against Ms. Wolfe. First, the Complaint (in Count 1) alleges that Ms. Wolfe made contributions in excess of \$5,000 to Club PAC in 2006. Second, the Complaint (in Count 3) alleges that Ms. Wolfe, among others, "knew that a substantial portion of their contributions to CFG-PAC would, in fact, be expended to support Walberg for Congress" and, as such, "exceeded the \$2,100 limit to Walberg for Congress for the 2006 primary election".

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The Complaint attaches, as Exhibit 4, a computer disc purporting to show contribution data for contributions by certain persons to Club PAC and to Walberg for Congress. This data, along with the interpretation of the data in the Complaint, does not match the data found on the Commission's website or as found in the reports of Club PAC, also found on the Commission's website.

THE FACTS

Contrary to the allegations in the Complaint, Ms. Wolfe did not engage in any conduct contrary to the Act. Ms. Wolfe simply made permissible and reported contributions to Club PAC as well as earmarked contributions to candidates.

Ms. Wolfe only made three contributions to Club PAC in 2006, which aggregated to \$5,000, the annual limit for such contributions. Affidavit of Virginia Wolfe ¶¶ 2-3, dated January 8, 2007, attached hereto at Tab A [hereinafter "Wolfe Aff."]. Her 2006 Club PAC contributions were for \$2,000, \$1,500, and \$1,500. Wolfe Aff. ¶ 2.

In addition, Ms. Wolfe made the following earmarked candidate contributions in 2006, which the Complaint erroneously categorizes as contributions to Club PAC:

- \$1,000 to Calvey for Congress;
- \$1,000 to Walberg for Congress;
- \$500 to Sharron Angle's campaign;
- \$500 to Lamborn for Congress;
- \$500 to Walberg for Congress; and
- \$500 to Calvey for Congress.

Id. ¶ 5. (The data attached to the Complaint at Exhibit 4 mistakenly counts three of these earmarked candidate contributions as contributions by Ms. Wolfe to Club PAC itself,¹ thereby incorrectly pushing Ms. Wolfe over the \$5,000 yearly contribution limit for 2006 in the analysis of the Complaint.)

¹ The data attached to the Complaint does not specify which earmarked candidate contributions it is mistakenly counting as contributions to Club PAC. The receipt dates listed in the

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THE LAW

An individual may contribute up to \$5,000 per calendar year to a non-candidate, non-party political committee. 11 C.F.R. § 110.1(d). An individual also may contribute \$2,100 per election to a candidate for federal office subject to an aggregate limit of \$40,000 per election cycle. *Id.* §§ 110.1(b)(1), 110.5.

Section 110.1(h) of the Commission's regulations provides, in pertinent part, as follows:

(h) *Contributions to committees supporting the same candidate.* A person may contribute to a candidate or his or her authorized committee with respect to a particular election and also contribute to a political committee which has supported, or anticipates supporting, the same candidate in the same election, as long as--

...

(2) The contributor does not give with the knowledge that a substantial portion will be contributed to, or expended on behalf of, that candidate for the same election; and

....

Id. § 110.1(h).

DISCUSSION

A. Ms. Wolfe Did Not Make Any Excessive Contributions

The allegation in the Complaint that Ms. Wolfe made excessive contributions to Club PAC is erroneous. Contrary to the faulty data attached to the Complaint at Exhibit 4 and per the data posted on the Commission's website, Ms.

(Continued . . .)

Complaint are June 1, 2006; June 13, 2006; and June 20, 2006. Two earmarked candidate contributions from Ms. Wolfe were received on each of those dates. *See* Club PAC July 20, 2006 Monthly report.

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Wolfe's contributions to Club PAC complied with the \$5,000 per-calendar-year limit contained in 11 C.F.R. § 110.1(d). Wolfe Aff. ¶¶ 2-3. The other contributions by Ms. Wolfe that the Complaint alleges to have been made to Club PAC were in fact earmarked candidate contributions made by Ms. Wolfe through Club PAC and were reported as such. *Id.* ¶ 5. *See also* pages from Club PAC reports from the FEC database attached at Tab B (showing earmarked contributions). The Complaint simply uses erroneous data and makes faulty deductions from such data.

B. Ms. Wolfe Did Not Know How Club PAC Was To Use Her Contributions

The Complaint alleges that Ms. Wolfe inappropriately contributed to Club PAC because she purportedly knew that her contribution was going to be used to support Walberg for Congress. This is simply incorrect.

In contrast to the Complaint's assertions about individual contributors' knowledge about future Club PAC activity, it is clear from Ms. Wolfe's sworn affidavit that she did not know how Club PAC would use contributions that it received from individuals like herself, other than to support conservative candidates generally. Wolfe Aff. ¶ 4. Ms. Wolfe did not have any knowledge that her contribution to Club PAC would be used for any particular campaign or to support any particular candidate, much less Walberg for Congress. Accordingly, Ms. Wolfe did not make excessive contributions to the Walberg campaign by virtue of her Club PAC contributions, for she lacked the "knowledge" requirement found in 11 C.F.R. § 110.1(h).

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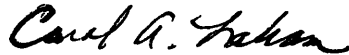
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CONCLUSION

In sum, the Commission should find no reason to believe that Ms. Wolfe violated the Act and should dismiss him from this Matter. Ms. Wolfe neither made excessive contributions to Club PAC nor made excessive contributions to Walberg for Congress through the operation of 11 C.F.R. § 110.1(h).

Sincerely,



Carol A. Laham
D. Mark Renaud

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Club for Growth, Inc. PAC
et al.

MUR 5881

Affidavit of Betty K. Wolfe

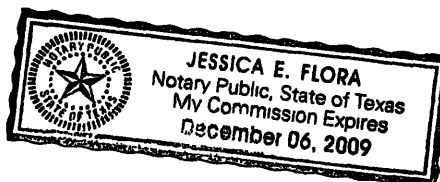
1. My name is Betty K. Wolfe, and I make the following statements to the best of my knowledge and belief.
2. In 2006, I made three contributions to the Club for Growth, Inc. PAC. The first contribution was for \$2,000, the second was for \$1,500, and the third was for \$1,500. I did not make any additional contributions to Club for Growth, Inc. PAC in 2006.
3. My 2006 contributions to Club for Growth, Inc. PAC totaled \$5,000.
4. When I made the above-described contributions to Club for Growth, Inc. PAC, I did not know how Club for Growth, Inc. PAC might use the funds contributed other than to support conservative candidates generally.
5. I also made the following earmarked candidate contributions in 2006 that relate to this Complaint:
 - \$1,000 to Calvey for Congress
 - \$1,000 to Walberg for Congress
 - \$500 to Sharron Angle's campaign
 - \$500 to Lamborn for Congress
 - \$500 to Walberg for Congress
 - \$500 to Calvey for Congress

Under penalty of perjury and any other penalties possibly applicable under law, I swear that the foregoing statements are true to the best of my knowledge, belief, and recollection.

Betty K. Wolfe
Betty K. Wolfe

Sworn and subscribed to
Before me this 8 day of
January, 2007.

Jessica E. Flora
Notary Public



My commission expires: 12/6/09

(A)

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<input type="checkbox"/> 13	<input type="checkbox"/> 14	<input type="checkbox"/> 15	<input type="checkbox"/> 16
<input type="checkbox"/> 17			

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (In Full)
CLUB FOR GROWTH INC PAC

A Full Name (Last, First, Middle Initial) William Wolf		Date of Receipt 06 26 2006	
Mailing Address PD Box 803		Transaction ID: SA11A1 68802	
City Mount Wolf	State PA	Zip Code 17347-1803	Amount of Each Receipt this Period 2100 00
FEC ID number of contributing federal political committee C		Earmarked Lamborn for Cong House CO-5	
Name of Employer n/a	Occupation Retired	[MEMO ITEM]	
Receipt For X Primary General Other (specify) ▼	Aggregate Year-to-Date ▼ 00		
B Full Name (Last, First, Middle Initial) Betty Wolfe		Date of Receipt 06 01 2006	
Mailing Address 180D Texas St Apt. 1611		Transaction ID: SA11A1.64633	
City Fort Worth	State TX	Zip Code 76102	Amount of Each Receipt this Period 1500 00
FEC ID number of contributing federal political committee C			
Name of Employer n/a	Occupation Retired		
Receipt For Primary General Other (specify) ▼	Aggregate Year-to-Date ▼ 5000 00		
C Full Name (Last, First, Middle Initial) Betty Wolfe		Date of Receipt 06 01 2006	
Mailing Address 180D Texas St Apt. 1611		Transaction ID: SA11A1 67432	
City Fort Worth	State TX	Zip Code 76102	Amount of Each Receipt this Period 1000 00
FEC ID number of contributing federal political committee C			
Name of Employer n/a	Occupation Retired		
Receipt For X Primary General Other (specify) ▼	Aggregate Year-to-Date ▼ 00	Earmarked Walberg for Cong House MI-7 [MEMO ITEM]	
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TOTAL This Period (last page this line number only)			

FEC Schedule A (Form 3X) Rev 02/2003

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NAME OF COMMITTEE (In Full)
CLUB FOR GROWTH INC PAC

A Full Name (Last, First, Middle Initial) Betty Wolfe Mailing Address 1600 Texas St Apt 1611 City Fort Worth State TX Zip Code 76102 FEC ID number of contributing federal political committee: C Name of Employer n/a Occupation Retired Receipt For: 2006 X Primary General Other (specify) Aggregate Year-to-Date ▼ 00		Date of Receipt 06 / 01 / 2006 Transaction ID: SA11A1 67434 Amount of Each Receipt this Period 1000.00 Earmarked Calvey for Cong. House OK-5 [MEMO ITEM]
B. Full Name (Last, First, Middle Initial) Betty Wolfe Mailing Address 1600 Texas St Apt 1611 City Fort Worth State TX Zip Code 76102 FEC ID number of contributing federal political committee: C Name of Employer n/a Occupation Retired Receipt For: 2006 X Primary General Other (specify) Aggregate Year-to-Date ▼ 00		Date of Receipt 06 / 13 / 2006 Transaction ID: SA11A1 67431 Amount of Each Receipt this Period 500.00 Earmarked Angle for Cong House NV-2 [MEMO ITEM]
C. Full Name (Last, First, Middle Initial) Betty Wolfe Mailing Address 1600 Texas St Apt 1611 City Fort Worth State TX Zip Code 76102 FEC ID number of contributing federal political committee: C Name of Employer n/a Occupation Retired Receipt For: 2006 X Primary General Other (specify) Aggregate Year-to-Date ▼ .00		Date of Receipt 06 / 13 / 2006 Transaction ID: SA11A1 67438 Amount of Each Receipt this Period 500.00 Earmarked Lamborn for Cong House CD-6 [MEMO ITEM]
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FEC Schedule A (Form 3X) Rev 02/2003

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NAME OF COMMITTEE (In Full)
CLUB FOR GROWTH INC PAC

A Full Name (Last, First, Middle Initial) Betty Wolfe Mailing Address 160D Texas St Apt 1611 City Fort Worth State TX Zip Code 76102 FEC ID number of contributing federal political committee C Name of Employer na Occupation Retired Receipt For: 2006 X Primary General Other (specify) Aggregate Year-to-Date 00		Date of Receipt 06 20 2006 Transaction ID: SA11A1 67433 Amount of Each Receipt this Period 500.00 Earmarked Walberg for Cong House MI-7 [MEMO ITEM]
B Full Name (Last, First, Middle Initial) Betty Wolfe Mailing Address 160D Texas St Apt 1611 City Fort Worth State TX Zip Code 76102 FEC ID number of contributing federal political committee C Name of Employer na Occupation Retired Receipt For: 2006 X Primary General Other (specify) Aggregate Year-to-Date 00		Date of Receipt 06 20 2006 Transaction ID: SA11A1 67435 Amount of Each Receipt this Period 500.00 Earmarked Calvey for Cong House OK-5 [MEMO ITEM]
C Full Name (Last, First, Middle Initial) Thomas Wolfe Mailing Address 888 Blvd of the Arts #1807 City Sarasota State FL Zip Code 34238-4856 FEC ID number of contributing federal political committee C Name of Employer Sarasota County Attorneys Office Occupation Attorney Receipt For: 2006 X Primary General Other (specify) Aggregate Year-to-Date 00		Date of Receipt 06 21 2006 Transaction ID: SA11A1.69287 Amount of Each Receipt this Period 100.00 Earmarked Walberg for Cong House MI-7 [MEMO ITEM]
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FEC Schedule A (Form 3X) Rev 02/2003

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